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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

December 15, 2008

MEMORANDUM

TO: Superintendents and Principals of High Priority Schools
PSA Management Companies and Authorizers
Supplemental Educational Services Providers

FROM: Sally Vaughn, Ph.D. *Sally*
Deputy Superintendent/Chief Academic Officer

SUBJECT: Federal Letter of Clarification Dated August 20th, 2008

The United States Department of Education (USED) has provided the state education agencies with a letter of clarification dated August 20, 2008 (attached), regarding Supplemental Educational Services (SES). This communication specifically addresses two issues that have generated questions for the implementation of SES. The first clarification addresses the role of parents in the creation of the Individual Learning Plan (ILP). The second clarification addresses the practice of technology-based SES providers allowing students to keep computers at the cessation of tutoring services. The Michigan Department of Education (MDE) guidelines resulting from that letter is provided in this communication.

MDE Guidelines on Individual Learning Plans (ILPs) and Parent Consultation

- 1) The LEA is responsible for the creation of the ILP. The LEA may request that an SES provider conduct the ILP process, but the SES provider is not required to do so. The LEA retains final responsibility for completing the ILP.
- 2) Consultation with parents in creating the ILP is an integral part of the process. The LEA may request that an SES provider conduct the parent consultation, but the SES provider is not required to do so. The LEA retains final responsibility for contacting the parent for participation in creation of the ILP.
- 3) Consultation with parents may take different forms. The accepted methods for consultation with parents are:
 - a) Face to face meetings (in a mutually agreed upon location; the LEA may not limit this to only school grounds/facilities)
 - b) Email
 - c) Telephone
- 4) LEAs (or the SES provider acting on behalf of the LEA) must document the date of the parent consultation and also the method used (face to face, email, or phone). This documentation must be kept with individual student records or in a central file in accordance with each entity's record keeping procedures.

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- 5) LEAs (or the SES provider acting on behalf of the LEA) must make a minimum of three (3) documented attempts to contact parents for purposes of ILP creation/consultation. This documentation must be kept with individual student records or in a central file in accordance with each entity's record keeping procedures.
- 6) If the LEA (or the SES provider acting on behalf of the LEA) is unable to reach the parent for consultation after three documented attempts, it may proceed with the student's ILP creation.
- 7) LEAs may not use the lack of parent involvement in the creation of the ILP as grounds to deny SES to any child whose parents have otherwise requested services, nor may the LEA use this as grounds to deny payment to the SES provider for services rendered.
- 8) LEAs may not use the lack of a parent signature on the ILP as grounds to deny SES to any child whose parents have otherwise requested services nor may the LEA use this as grounds to deny payment to the SES provider for services rendered.

LEAs must remove any language in their SES provider contracts for the 2009-10 academic year that prohibits the initiation of SES or denies payment to SES providers for services rendered in the event parent consultation or signature is not obtained in the ILP process.

As indicated above, the LEA retains final authority on the creation of the ILP, regardless of who has created it (the LEA or the SES provider acting on its behalf).

SES providers **must** follow the instructional plan and goals developed in the ILP. Failure to follow the ILP may result in suspension or removal from the State approved SES provider list.

MDE Guidelines on Computers and Incentives

- 1) SES providers that utilize the internet or other technology for distance tutoring may allow students to keep computers at the cessation of services **ONLY IF** the computers are used for instructional purposes.
- 2) SES providers may not give computers to students as non-instructional incentives.
- 3) SES providers that utilize face to face tutoring may not give computers to students.
- 4) Before or during the registration period, SES providers must not verbally or nonverbally promise or reference the computers that will be provided upon program completion.
- 5) Informational program materials, including the 150 word program summary, must not verbally or non-verbally promise or reference the computers that will be provided upon program completion.
- 6) Effective **IMMEDIATELY**, SES providers that allow students to keep computers at the cessation of tutoring services must fully disclose to the Michigan Department of Education (MDE), schools, and parents the following information:
 - a) Type of equipment (laptop, desktop, handheld)
 - b) Brand/manufacturer of computer or handheld device
 - c) Age/status of computer or handheld device (new, used, refurbished)
 - d) Peripherals including, but not limited to: mouse, keyboard, monitor, cables

- e) Computer/handheld device hardware, including, but not limited to: hard drive size, speed/type of processor, number and type of disc drives, and desktop memory
- f) Computer/handheld device software, including, but not limited to: operating system, and description of all programs installed
- g) Appropriate software licenses (i.e. Microsoft Office®)
- 7) Technology based SES providers must also detail the following to the MDE, schools, and parents:
 - a) Type of internet connection or service utilized during service period (if applicable; e.g. dial-up, DSL, high speed)
 - b) Terms and conditions for internet service during tutoring, including length of time and use outside of tutoring sessions
- 8) The SES provider may choose to offer additional electronic tutoring or other services after SES has concluded. These may be provided free of charge or at a cost to parents. However, the SES provider must clearly communicate the terms of the continued service(s) to MDE, schools, and parents.

Failure by the SES provider to fully disclose all required information may result in suspension or removal from the State approved SES provider list.

Any technology related service (i.e., internet), hardware or software application that is found to be non-instructional in nature by MDE will be treated as an incentive and result in a violation of SES Code of Ethics. Such violations may result in suspension or removal from the State approved SES provider list.

Thank you for your prompt attention to this policy. If you have questions about this communication or need more information, please feel free to contact Bill Witt at 517-373-4140 or WittB1@michigan.gov.